

REMARKS

With this Response, no claims are amended, added, or canceled. Therefore, claims 1-91 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 103

A. Claims 1-6, 15-16, 22, 24-27, 34-37, 40-46, 55, 57-69, 78 and 80-85

Claims 1-6, 15-16, 22, 24-27, 34-37, 40-46, 55, 57-69, 78 and 80-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) in view of US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”). Applicants submit that these claims are patentable over Shin and Robinson for at least the following reasons.

Claim 1 recites the following:

Receiving a random access **request for a traffic channel** of a plurality of traffic channels **on a first random traffic channel** of the plurality of traffic channels, the traffic channel to be selectively allocatable by the base station for communication with a user terminal;

Determining whether a traffic channel of the plurality of traffic channels is available to allocate to the requestor; and

Communicating to the requestor whether a traffic channel of the plurality of traffic channels is available.

Claims 34, 36, and 64 recite similar limitations directed to sending or receiving a request for a traffic channel, on a random traffic channel.

Claim 41 recites the following:

Receiving a request for an access channel of a plurality of channels **on a first unallocated channel** of the plurality of channels;

Determining whether an access channel of the plurality of channels is available; and

Communicating to the requestor whether an access channel of the plurality of channels is available.

Claims 16, 60, and 63 recite similar limitations directed to sending or receiving a request for a channel on an unallocated channel.

Traditionally, requests for a traffic channel or access channel are received on a channel that is specifically dedicated to receive such requests. However, claims 1, 34, 36, and 64 recite sending or receiving a request for a **traffic** channel on a randomly selected **traffic** channel. Thus, in the claimed invention, requests for access are not received on a control channel or assigned random access channel; rather, **requests are received on one of same traffic channels** that are allocatable by the base station for communication with the user terminals, as recited in claim 1. Similarly, claims 16, 60, and 63 recite sending or receiving a request for access on an **unallocated** channel, not on a channel dedicated or assigned to receive such requests.

The Office Action at pages 2-3 acknowledges that Shin fails to disclose receiving a random access request for a traffic channel. The Office Action further recites Robinson as curing the deficiencies of Shin by disclosing receiving a random access request for a traffic channel. Whether or not Robinson discloses these limitations, Applicants submit that neither reference discloses receiving a request for a channel on a channel that is not assigned as a control channel or random access channel.

Shin discusses receiving a request for a channel and measuring signal strength to determine whether to allocate a channel. See col. 3, line 42 to col. 4, line 14 and Figure 2. However, the reference does not disclose or suggest a channel request on a **random traffic channel**, as recited in claims 1, 34, 36, and 64, or a channel request on **an unallocated channel**, as recited in claims 16, 41, 60, and 63. Applicants submit that the fact that the reference is silent on the manner in which channel/access requests are received is evidence of the fact that the reference uses a traditional, dedicated channel approach.

Robinson discusses a control channel dedicated to receiving random access requests. See col. 4, lines 62 to 66 and Fig. 1. Robinson further discusses temporarily assigning an uplink channel, previously functioning as a traffic channel, as a random access channel and using the

uplink channel to receive random access requests. See col. 3, lines 2 to 22; col. 5, lines 4 to 11 and Fig. 1; col. 5, line 64 to col. 6, line 11 and Fig. 2. As Applicants have understood Robinson, the reference only allows random access requests on such **assigned** channels. See *id.* Thus, Robinson fails to disclose or suggest a channel request on **a random traffic channel**, as recited in claims 1, 34, 36, and 64, or a channel request on **an unallocated channel**, as recited in claims 16, 41, 60, and 63.

In contrast to the cited references discussing making requests on channels dedicated or assigned for the purpose of receiving such requests, Applicants recite receiving requests for a channel on a traffic channel (see claims 1, 34, 36, and 64) or an unallocated channel (see claims 16, 41, 60, and 63). Thus, the references, either alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims. Therefore, Applicants submit that the cited references fail to support an obviousness rejection under MPEP § 2143 for failing to disclose every element of the claimed invention.

The remaining claims depend, either directly or indirectly, from the independent claims addressed above. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the reasons set forth above with respect to the independent claims.

B. Claims 7-8, 11, 18, 47-48, 51, 70-71 and 74

Claims 7-8, 11, 18, 47-48, 51, 70-71 and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) in view of US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) and further in view of US Patent Application Publication No. 2002/0072348 A1 to Wheeler et al. (hereinafter “Wheeler”). The

rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Wheeler is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

C. Claims 9-10, 39, 49-50, 56, 72-73 and 79

Claims 9-10, 39, 49-50, 56, 72-73 and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) in view of US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in further view of US Patent Application Publication No. 2002/0087740 A1 to Castanho et al. (hereinafter “Castanho”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Castanho is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

D. Claims 12-14, 52-53 and 75-76

Claims 12-14, 52-53 and 75-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in view of US Patent Application Publication No. 2003/0163393 A1 to Mittal et al. (hereinafter “Mittal”). The rejection of these

claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Mittal is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

E. Claims 17 and 38

Claims 17 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in view of US Patent No. 6,006,084 to Miller et al. (hereinafter “Miller”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Miller is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

F. Claims 20 and 32-33

Claims 20 and 32-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in view of US Patent Application Publication No. 2002/0065081 A1 to Barany et al. (hereinafter “Barany”). The rejection of these claims is

based upon the rejection of the independent claims, the deficiencies of which are discussed above. Barany is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

G. Claims 28-29 and 30-31

Claims 28-29 and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in view of US Patent No. 5,345,596 to Buchenhorner et al. (hereinafter “Buchenhorner”). The rejection of these claims is based upon the rejection of the independent claims, the deficiencies of which are discussed above. Buchenhorner is not cited for curing the deficiencies of the primary references, nor does it cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

H. Claims 86-91

Claims 86-91 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,687,171 to Shin et al. (hereinafter “Shin”) and US Patent No. 5,680,398 to Robinson (hereinafter “Robinson”) in view of US Patent Application Publication No. 2003/0133426 A1 to Schein et al. (hereinafter “Schein”). The rejection of these claims is

based upon the rejection of the independent claims, the deficiencies of which are discussed above. Schein is not cited for, nor indeed does the reference cure the deficiencies of the primary references. Applicants respectfully submit that these references, whether alone or in combination, fail to disclose or suggest at least one element of the invention as recited in the independent claims, and so fail to support a rejection of claims depending from the independent claims. See MPEP § 2143.03.

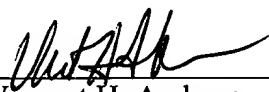
CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

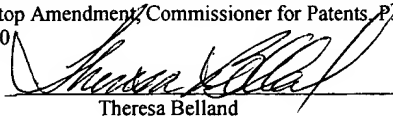
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